

AFFIDAVIT OF SPECIAL AGENT GREGORY SQUIRE
IN SUPPORT OF A CRIMINAL COMPLAINT

I, Gregory D. Squire, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent of the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) since 2007, and am currently assigned to the Boston Field office. As part of my duties, I am authorized to investigate violations of the laws of the United States, including but not limited to criminal violations relating to the sexual exploitation of children, child pornography, coercion and enticement, and transportation of minors, including but not limited to violations of 18 U.S.C. §§ 2422, 2423, 2251, and 2252A. For the past five years I have specialized in dark web investigations, with a focus on child sexual abuse and child pornography websites. I am an active member of a multinational, multi-agency working group that coordinates national and international operations to combat child exploitation on the dark web and to rescue children from abusers who are active on the dark web. As an agent in the Boston Field Office, I frequently participate in the execution of search warrants involving child exploitation and pornography, and I work closely with HSI forensic specialists throughout these investigations and prosecutions.
2. I submit this affidavit in support of a criminal complaint charging Neal GRUBERT, YOB 1988, of Bertram, Texas, with one count of advertising child pornography, in violation of 18 U.S.C. § 2251(d).
3. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is probable cause to secure a criminal

complaint and does not set forth all of my knowledge about this matter. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

STATEMENT OF PROBABLE CAUSE

The [REDACTED] Investigation

4. As part of an ongoing child exploitation operation, [REDACTED] law enforcement identified a [REDACTED] citizen who was producing images and videos of himself sexually abusing his three-year-old [REDACTED] (hereinafter, "Minor A") and distributing these images and videos of the sexual abuse to other likeminded individuals on platforms including a site on the dark web¹ (Website A) dedicated to the sexual exploitation of children. In an interview with [REDACTED] investigators, the suspect confessed to the sexual abuse and rape of Minor A, the production of child exploitation material, and the distribution of child exploitation material on Website A.² The suspect was arrested by [REDACTED] law enforcement on [REDACTED].
5. In the course of a forensic examination of a cell phone seized in connection with that arrest, investigators found several images and videos depicting the sexual exploitation of children. Included within those images, investigators observed videos that show an adult white male recording himself while masturbating to videos and images of the rape and sexual abuse of

¹ The dark web is comprised of a variety of networks, such as Tor, that exist on a portion of the internet accessible only through specific software, such as the Tor browser (a legal and publicly available free application). One of the key features of dark web networks like Tor is the anonymity it offers both users of the network and individuals or entities that host sites on the network, which are also referred to as hidden services. Website A is a Tor hidden service dedicated to the sexual exploitation of children. The true name of Website A is known to law enforcement but redacted here in order to protect the integrity of ongoing international investigation into the users of the site.

² The suspect also admitted to using a particular username on Website A and other child exploitation sites on the dark web. That name is known to law enforcement but redacted here to protect the integrity of ongoing international investigation into other users of Website A who may be familiar with this particular user.

Minor A that he was playing on a [REDACTED] [REDACTED].³ The videos include audio, which captures the adult white male directly addressing both the [REDACTED] suspect and Minor A in English as he masturbates to the child pornography. Throughout most of the videos the adult white male is speaking while he masturbates. [REDACTED]

[REDACTED]
[REDACTED]. In two of these videos, the [REDACTED].

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED].

7. [REDACTED] investigators recognized the name of Folder 1 as the username of an individual whose activity they had observed in previous investigations of Website A (hereinafter, “the SUSPECT USER”).⁵ Based on the [REDACTED] investigators’ review of posts made to

³ It is not apparent from the videos themselves what type of device the male is using to record the video.

⁴ [REDACTED]
[REDACTED].

⁵ The username is known to law enforcement but redacted here to protect the integrity of ongoing international investigation into other users of Website A (and other sites on which the SUSPECT USER is active) who may be familiar with this particular user. Through my work in this field, I am aware of the SUSPECT USER’s activity [REDACTED]

[REDACTED] Based on my training and experience, I know that users of such hidden services value their online aliases and personas as a source of bona fides within their communities. A user may attain greater status

Website A by the SUSPECT USER as well as the videos he sent to the [REDACTED] suspect, they believed that he was an American.

8. Forensic review of the [REDACTED] suspect's cell phone revealed only one phone number stored in his contacts starting with [REDACTED] (the "SUSPECT NUMBER"). Investigators observed one text message, in English, from the SUSPECT NUMBER. By consulting public databases, investigators determined that the number is owned by Verizon Wireless.

Activity on Website A

9. Website A is a Tor hidden service dedicated to the sexual exploitation of children. The true name of Website A is known to law enforcement but redacted here in order to protect the integrity of ongoing international investigation into the users of the site. I am familiar with Website A and know that it requires individuals to create a username and password to gain access to the site. New users must choose a unique username; that is, they cannot select a name already in use by another user.⁶

10. [REDACTED]
[REDACTED]
[REDACTED]

or goodwill within a community of like-minded offenders over a course of time via active participation in that community under a particular alias. That participation may amount to the trafficking of child pornography, moderation of sites, and advice to users regarding safety and security, or other actions. It is therefore common for a user of one child pornography website on the Tor network to carry an alias from one site to another, or to make other users aware that additional aliases belong to them, to maintain such accrued status or goodwill on other sites.

- ⁶ In the course of this investigation, I accessed Website A and attempted to register a new user account with the SUSPECT USER name. When I attempted to do so, the website generated a message that informed me that the name was already in use and prevented me from proceeding with the registration.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. Through the course of ongoing undercover operations, HSI agents and other members of law enforcement around the world have been monitoring several dark web hidden services dedicated to the sexual abuse of children, including Website A. I know, from experience with such investigations, that it is typical for individuals to visit, access, or gain membership to more than one child exploitation hidden service at the same time.

12. One such individual that has been observed in the course of such investigations is the SUSPECT USER, who has been observed on Website A [REDACTED]

[REDACTED] Law enforcement involved in such investigations believe that the SUSPECT USER

[REDACTED]

[REDACTED]. [REDACTED] the SUSPECT USER

has been observed posting messages [REDACTED]

[REDACTED]

[REDACTED]

13. On June 14, 2020 [REDACTED] an HSI [REDACTED] agent (hereinafter, “the UC”) logged into Website A in an undercover capacity. Upon entering the site, the UC could observe that other members of the site were also online, including the SUSPECT USER. The [REDACTED] UC noted that the SUSPECT USER’S screen name was [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When the [REDACTED] UC was logged into Website A on [REDACTED], he observed the SUSPECT USER [REDACTED].

14. [REDACTED] the SUSPECT USER posted two links that led to one image of child pornography and one video of child pornography.⁸ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. The [REDACTED] UC executed the links and viewed both files. They are described as follows:

- a. [REDACTED]: [REDACTED]. It depicts a pre-pubescent female who appears to be approximately 10 years old and shows

⁷ In my undercover work I have come to learn that hidden services dedicated to the sexual exploitation of children typically [REDACTED]

⁸ The links directed the recipient to a dark web file host. A file host allows users to upload files and then distribute a unique URL to other users, who may execute the link to open the files.

her speaking into the camera and undressing until she is naked. The child then masturbates on camera until the end of the video. Several times during that portion of the video, the camera focuses closely on the child's vagina.⁹

- b. [REDACTED]: This image is a “preview sheet” of the video titled [REDACTED]; that is, the image consists of sixteen frames, which appear to be screen shots from the video described above, laid out in progression.

Identification of GRUBERT

16. On June 3, 2020 HSI issued a summons to Verizon Wireless for subscriber details associated with the SUSPECT NUMBER. The company responded with information including the following:

Subscriber Name: Neal S Grubert
Address: [REDACTED] Bertram TX, 78605-3738
Home Phone: (the SUSPECT NUMBER)

17. HSI Boston agents consulted records from the Texas Department of Public Safety, which included driver's license information for Neal S. GRUBERT. The records listed his year

⁹ To avoid unnecessary in-person interaction given the health concerns posed by the current pandemic, I am not providing a copy of this video to the Court. I am aware that the “preferred practice” in the First Circuit is that a magistrate view images that agents believe constitute child pornography by virtue of their depiction of the lascivious exhibition of a child's genitals. United States v. Brunette, 256 F.3d 14, 18-19 (1st Cir. 2001). Here, however, the descriptions offered “convey to the magistrate more than [my] mere opinion that the images constitute child pornography.” United States v. Burdulis, 753 F. 3d 255, 261 (1st Cir. 2014) (distinguishing Brunette). The child appears to be approximately 10 years old – clearly younger than 18 – and the image depicts the child engaged in sexual activity rather than the lascivious display of the child's genitals. See United States v. Syphers, 426 F.3d 461, 467 (1st Cir. 2005) (“The best practice is for an applicant seeking a warrant based on images of alleged child pornography is for an applicant to append the images *or provide a sufficiently specific description of the images* to enable the magistrate judge to determine independently whether they probably depict real children.”) (emphasis added). The description of the file here is specific as to the age of the alleged child and the nature of the sexually explicit conduct that it depicts, and the Court thus need not view the file to find that it depicts child pornography.

represents [REDACTED]) and indicated that the device that created the video was a [REDACTED].¹¹ The metadata also includes GPS coordinates, which, based on my training and experience, I know to represent the location from which the video file was created. Those coordinates are [REDACTED]. Using a publicly available mapping tool, I have determined that these coordinates correspond to [REDACTED], Bertram, Texas, which is GRUBERT's residential address.

22. In the background of one of the videos, a tan dresser with a green lamp can be seen in front of a window with blinds and tan curtains. The bed the SUSPECT USER is sitting on has a blanket with a red and white checkerboard pattern on it. In the course of this investigation, agents have reviewed open source material, including a publicly-accessible social media account belonging to GRUBERT's wife. Included in that account is a photo of a cat in that same room; it is laying on a bed with a red and white-patterned blanket, and also visible in the picture is a tan dresser with a green lamp in front of a window with blinds and tan curtains.
23. Agents have consulted CLEAR, a commercially-available public records database that can be accessed and searched over the Internet. Information in CLEAR for Neal GRUBERT includes a year of birth of 1988, and indicates that he has a last known address of [REDACTED] in Bertram, Texas (the same address associated with GRUBERT's license and passport).

¹¹ Information available on [REDACTED] public website indicates that this model number corresponds to [REDACTED] internet-capable smartphone that operates on the Verizon network, and which is outfitted with a camera, GPS technology, and fingerprint sensor.

CONCLUSION

24. Based on all of the foregoing information, I submit that there is probable cause to believe that on or about June 14, 2020, GRUBERT knowingly published a notice and advertisement offering to display, distribute, and reproduce a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, knowing and having reason to know that such notice and advertisement would be transported using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including computer, and such notice and advertisement was actually transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including computer, in violation of 18 U.S.C. § 2251(d).

Sworn to under the pains and penalties of perjury,

Gregory D. Squire / DLS
Special Agent Gregory D. Squire
Homeland Security Investigations

SUBSCRIBED and SWORN before me telephonically pursuant to Fed. R. Crim. P. 4.1 this 30th day of June, 2020. 11:06 a.m.

David H. Kennedy
HONORABLE DAVID H. KENNEDY
UNITED STATES MAGISTRATE

